



COURTESY SORREL SKY GALLERY
Senator Ben Nighthorse Campbell (Northern Cheyenne) and Shanana Campbell Wells (Northern Cheyenne)



Jewelry suspected to be fraudulently sold as Native American, evidence in the Application for a Search Warrant, Case No. 15MR677 in the U.S. District Court of New Mexico, filed October 26, 2015.

SANTA FE CRAFTS ORDINANCE TO SQUASH NATIVE KNOCKOFFS

BY DEBORAH BUSEMEYER

Shanana Campbell Wells (Northern Cheyenne) grew up in the art world, traveling to shows and markets and watching her dad sell his popular Native American jewelry. That was long before he became a U.S. senator. She recalls sleeping under Ben Nighthorse Campbell's booth at Santa Fe Indian Market. And she remembers how it felt when her family discovered knockoffs of her father's art.

"It's your livelihood and it's personal. It's coming from your heart and soul," says Wells, now an art consultant and owner of Sorrel Sky Galleries in Santa Fe, New Mexico, and Durango, Colorado. "You're creating something that didn't exist before. That's what art is. It's a huge hit to have someone rip it off."

For a long time New Mexicans have tried to prevent people from violating the Indian Arts and Crafts Act by fraudulently selling arts and crafts items as Native American-made. Artisans depend on revenue from their sales, and communities need to preserve their reputations as places to buy authentic, unique art. A recent case in New Mexico involving Filipino jewelry being sold as Native American-made serves as a reminder of the potential damage such fraud can cause, and it prompted the City of Santa Fe into action.

"We need to make sure when we invite the world to come to Santa Fe to experience our art and culture that it's done in a very authentic way," Santa Fe mayor Javier Gonzales explains. "When it comes to Native American art, Santa Fe needs to be especially vigilant in making sure Native artists and merchants who sell Native American art sell in a way that ensures the purchaser feels confident."

The city has crafted a first-of-its-kind ordinance that requires merchants to maintain a specific Native American arts and crafts business license and to disclose

the materials used and the artist's name and tribal affiliation for each product. The ordinance establishes a Native American Arts and Crafts District that includes the downtown area and Canyon Road, which are both major draws for art merchants and buyers. If merchants within the district don't provide the required information, the city can yank their business licenses.

Wells, along with other gallery owners, artists, collectors and Native American scholars, reviewed the ordinance to help the city tweak language and to ensure that Native American artists can continue to make their crafts as they choose.

"I think it's going to be really effective," Wells says. "I think it's going to set the stage for other communities, especially when your industry depends on it."

As a former commissioner on the U.S. Department of Interior's Indian Arts and Crafts Board (IACB), Wells understands the challenges the federal government faces in collecting evidence and prosecuting crimes of fraud on behalf of Native American artists. The IACB investigates about 125 allegations of fraud each year, with about one case prosecuted per year, according to Ken Van Wey, the board's program specialist. He recommends that buyers get a written guarantee if they purchase Native American art and that they research the art and marketplace ahead of time so they can judge standards for quality and price.

"Once you leave the store, it's your word against theirs," Van Wey says. "It makes it significantly easier to pursue something if we have some sort of evidence."

In a 2001 report, the U.S. Government Accountability Office concluded that no one knows the size of the Indian art market and the extent of misrepresentation. The IACB has worked with the U.S. Fish and Wildlife Service to investigate cases in New Mexico, South Dakota, Utah and Alaska, including a case in which a jury convicted a Gallup businessman of selling a counterfeit bracelet in 2007.

KNOW WHAT YOU ARE BUYING

- Request a written guarantee or statement of authenticity.
- Request information about your piece, including the artist's name and tribal affiliation and the specific material used. For example, if the piece includes turquoise, ask about the kind of turquoise.
- Do research ahead of time to learn about the art and how it is made.
- For questions about fraudulent Native American art or to report a complaint, visit <https://www.doi.gov/iacb> or call 1-888-ART-FAKE.

Adapted from guidelines of the Indian Arts and Crafts Board

Last year the U.S. Fish and Wildlife Service concluded a three-year investigation into a New Mexico scheme involving selling and shipping Filipino-made jewelry as authentic Native American-made jewelry to be sold in retail stores. U.S. Attorney Damon Martinez has amended the original indictment against three New Mexico residents — dropping charges against one and expanding the scope and number of counts against two Albuquerque men, Mohammad Manasra and Nael Ali. The indictment alleges that Manasra conspired to supply Ali's stores in Albuquerque and Scottsdale, Arizona, with fake Native American jewelry that was manufactured in a Philippines factory and imported by Sterling Islands, Inc., of Albuquerque. The case is slated for a summer trial.

In 2010 President Barack Obama signed legislation that strengthened penalties for violations of the Indian Arts and Crafts Act. In the New Mexico case, each man faces up to five years in prison per count and a fine of up to \$250,000 per count for a total of 10 counts involving violating the Indian Arts and Crafts Act, mail fraud, wire fraud and conspiracy to violate the act.

"This is the first time we have gone after the crime organizationally," says First Assistant Attorney Jim Tierney, who has worked in New Mexico's U.S. Attorney's Office for 31 years. "We targeted the people who allegedly manufactured the items. No one has gone after the crime like that before."

Martinez says the case is very significant for New Mexico because of what's at stake in a state with 19 pueblos and five other tribes, all of which contribute to the state's unique arts and crafts industry. He noted that New Mexico's reputation is on the line, as well as that of the artisans who earn a living by producing art and passing their culture and heritage down to the next generation.

In addition to investigating complaints for potential prosecution, the IACB spends time educating people. It collaborates with the State of New Mexico to develop educational brochures and campaigns designed to deter fraud and to inform buyers about the importance of reporting alleged fraud. IACB representatives will be at this year's Santa Fe Indian Market reaching out to consumers directly. "As we succeed in cases, publicity brings these crimes to people's attention. Then we'll get better complaints and better cooperation with outside organizations," Van Wey says.

Santa Fe Indian Market gives buyers and collectors an opportunity to talk with the hundreds of Native American artists who will show their pieces this year, says Dallin Maybee, chief operating officer for the Southwestern Association for Indian Art (SWAIA), which runs the annual market. He suggests that buyers talk with these high-level artists about the materials they use and how they create their pieces.

"Talk to the artist and learn his or her story," he says. "Sometimes the backstory is one of the most beautiful parts of the piece."

SWAIA ensures that only highly qualified artists who produce authentic work are allowed to show at the August market. From the jury process to the awards night, experts scrutinize items to make sure that the art meets the criteria outlined in SWAIA's 130-page standards manual.

"We want buyers to be assured they are getting the best quality fine art they can find in the country," Maybee says. "Hopefully they can see the difference between what our artists produce and what else they find out there."